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Madison, WI 53703

To: Rep. Chuck Wichgers, Committee Chair  
Members of the Assembly Committee on Constitution and Ethics

From: Peter Bakken, Coordinator for Justice and Witness, Wisconsin Council of Churches

Date: March 3, 2021

Re: Testimony in opposition to Assembly Joint Resolution 9

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Thank you for this opportunity to submit written testimony on Joint Resolution 9, relating to a Convention of the States for one or more Constitutional amendments. I appreciate your acknowledgement of the importance of providing constituents with the opportunity to safely communicate with their elected representatives During COVID-19.

On behalf of the Wisconsin Council of Churches, I write in opposition to Assembly Joint Resolution 9, as dangerous and unnecessary.

For over 200 years, the U.S. Constitution, and the procedures we have used to amend it, have served us well. But calling for Convention of the States would begin a risky process that could make sweeping changes in our Constitution and system of government, with unintended consequences well beyond what the proponents of this resolution envision.

Although the resolution intends the Convention to specifically address amendments on three particular topics -- limiting the power and jurisdiction of the federal government, imposing fiscal restraints, and placing term limits on federal officials, there is no way to be sure the convention won't make other changes. There is only one precedent -- the 1787 Constitutional Convention, where the delegates went well beyond what they were instructed to do.

Article V of the Constitution leaves many details about such a Convention vague. How delegates are selected and how they would be apportioned among the states, the rules of the convention, and whether and how the deliberations would be made public, what would be the opportunities for public participation in those deliberations, and whether or in what way the delegates would be held accountable to the persons they supposedly represent is completely up in the air. These decisions could be highly partisan in our polarized political environment and subject to powerful pressures from well-funded special interests.

Even if the Convention were confined to the issues enumerated, the consequences could be disastrous. One need only mention “states’ rights” to be reminded of the vital and necessary role played by the federal government in overturning racist state laws and practices and advancing the cause of civil rights for all Americans.

If “fiscal restraints” means requiring a balanced federal budget – as has been the case in past versions of this resolution – the damage to our economy could be severe, making recessions deeper and longer, and even catastrophic in the event of a national emergency such as the COVID-19 pandemic we are currently experiencing. The requirement could result in severe cuts to programs like Medicare and Social Security; federal aid for state and local governments; and vital nutrition, education, anti-poverty, and public health services.

As people of faith, we recognize that the U.S. Constitution is not a perfect document. However, we have ways of amending it that do not risk undermining precious rights such as freedom of speech, worship, and assembly, or weakening the checks and balances that help guard against abuses of power. Nor should we make changes that will compromise our ability as a nation to defend the rights and freedoms of all Americans, support those in need, and strengthen the common good.

Please reject Assembly Joint Resolution 9 as reckless and unnecessary.

Thank you for your attention to our concerns.